

Cooperation Agreement Among the Partner States of the East African Community and the United States of America on Trade Facilitation, Sanitary and Phytosanitary Measures, and Technical Barriers to Trade

Recognizing the goals of the Trade and Investment Framework Agreement Between the East African Community and the Government of the United States of America, done at Washington on July 16, 2008 (2008 TIFA) and with a view to increasing exports, expanding investment, and helping support job creation and economic growth in the East African Community (EAC) and the United States, the Partner States of the EAC (the Republic of Burundi, the Republic of Kenya, the Republic of Rwanda, the United Republic of Tanzania, and the Republic of Uganda) (the EAC Partner States) and the United States of America, together, the Parties, agree to improve cooperation on trade facilitation, sanitary and phytosanitary measures, and technical barriers to trade as follows:

Article 1: Trade Facilitation

1. The Parties affirm their commitment to implement the World Trade Organization (WTO) Agreement on Trade Facilitation (WTO Trade Facilitation Agreement) in accordance with the Bali Ministerial Decision of 7 December 2013 and the importance of meeting the deadlines set therein.
2. The Parties recognize that the EAC Partner States are adopting some of the trade facilitation measures called for in the WTO Trade Facilitation Agreement and that there is a need for building capacity in the EAC Partner States to provide for effective implementation of that agreement.
3. With a view to facilitating effective implementation, and delivering the benefits, of the WTO Trade Facilitation Agreement:
 - (a) The EAC Partner States shall notify their Category A commitments as prescribed in the WTO Trade Facilitation Agreement to the WTO Preparatory Committee on Trade Facilitation no later than 31 March 2015.
 - (b) The United States shall provide to the EAC Partner States technical assistance and support for capacity building to implement the provisions of the WTO Trade Facilitation Agreement as set out in that agreement. The Parties shall identify a mechanism or mechanisms to evaluate and report on such technical assistance and support for capacity building.
 - (c) The Parties shall cooperate on mutually agreed terms to facilitate EAC Partner States' designating and notifying to the WTO Trade Facilitation Committee the provisions of the WTO Trade Facilitation Agreement to be implemented according to Categories A, B, and C of that agreement.

Article 2: Sanitary and Phytosanitary Measures

1. Recognizing the importance of agriculture and trade in agricultural products to the economies of the EAC Partner States and the United States, the Parties shall work together to:

- (a) develop and advance trade-facilitating initiatives of mutual interest relating to sanitary and phytosanitary (SPS) measures;
- (b) implement appropriate training and capacity-building programs and information exchanges to further the EAC Partner States' implementation of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement);
- (c) build technical capacity in the EAC Partner States with respect to SPS measures, including through training and information exchange;
- (d) seek to enhance the harmonization of SPS measures within the EAC on the basis of international standards, guidelines, and recommendations;
- (e) enhance technical capacity in the EAC Partner States for the consistent implementation of science-based SPS measures, including by promoting greater use of and working to meet international standards, guidelines, and recommendations, as well as good regulatory practices, including:
 - (i) transparency in the preparation, adoption, and application of SPS measures;
 - (ii) evidence-based decision making; and
 - (iii) mechanisms and methods for periodic review of SPS measures;
- (f) support the EAC Partner States' capacities for risk analysis, and for the mitigation and monitoring of risk in accordance with international standards, guidelines, and recommendations, including through testing, inspection, certification, residue monitoring, and product tracking;
- (g) enhance cooperation among the respective competent authorities of the EAC Partner States and the United States with responsibilities for SPS measures; and
- (h) improve the ability of EAC Partner States to participate in the work of relevant international standards setting bodies.

2. No later than six months after the date of entry into force of this Agreement, the Parties shall develop a Work Plan that prioritizes areas of work under this Article. Through their designated Points of Contact, the Parties shall review the Work Plan at least once per year.

3. The United States shall provide to the EAC Partner States technical assistance and support for capacity building to assist the EAC Partner States to carry out the actions described in paragraph 1 that are identified as shared priorities in the Work Plan as well as to build the capacity of EAC Partner States to participate effectively in the WTO notification processes regarding SPS measures.

4. No later than eighteen months after the date of entry into force of this Agreement, each EAC Partner State shall establish an effective process to ensure that it notifies all proposed SPS measures to the WTO in accordance with Article 7 and Annex B of the SPS Agreement.

Article 3: Technical Barriers to Trade (TBT)

1. Recognizing the benefits to trade of WTO-consistent regulatory regimes, the Parties shall work together to:

- (a) develop and advance trade-facilitating initiatives of mutual interest relating to technical regulations, conformity assessment procedures, and standards;
- (b) improve EAC Partner States' ability to conform their technical regulations and conformity assessment procedures to relevant international standards, guides, and recommendations;
- (c) improve the ability of standards bodies and other competent authorities of each EAC Partner State to participate in international standard setting bodies, and promote the understanding of the competent authorities of EAC Partner States of how to use international standards as a basis for technical regulations;
- (d) facilitate understanding of how to obtain accreditation to international standards for conformity assessment bodies in EAC Partner States and acceptance of test results among conformity assessment bodies accredited to international standards;
- (e) encourage cooperation among standards development organizations and conformity assessment bodies domiciled in EAC Partner States and the United States;
- (f) support the development and implementation of good regulatory practices in EAC Partner States, including, but not limited to:
 - (i) transparency in the preparation, adoption, and application of technical regulations, standards, and conformity assessment procedures;
 - (ii) evidence-based decision making; and
 - (iii) mechanisms and methods for periodic review of technical regulations and conformity assessment procedures;

- (g) identify, prioritize, and support development of necessary technical infrastructure and skill transfer in terms of metrology, standardization, testing, certification, and accreditation, to support technical regulations;
- (h) enhance regulatory, technical, and scientific cooperation within the EAC Partner States and the United States by, *inter alia*, exchanging information and experiences; and
- (i) promote and encourage cooperation among the respective competent authorities of the EAC Partner States and the United States responsible for metrology, standardization, conformity assessment, and accreditation.

2. The Parties will continue to collaborate on a Work Plan that prioritizes areas of work under this Article. Through their designated Points of Contact, the Parties shall review the Work Plan at least once per year.

3. The United States shall provide to the EAC Partner States technical assistance and support for capacity building to assist the EAC Partner States to carry out the actions described in paragraph 1 that are identified as shared priorities in the Work Plan as well as to build the capacity of EAC Partner States to participate effectively in the WTO notification processes regarding technical regulations and conformity assessment procedures.

4. No later than eighteen months after the date of entry into force of this Agreement, each EAC Partner State shall establish an effective process to ensure that it notifies all proposed technical regulations and conformity assessment procedures to the WTO in accordance with Articles 2 and 5 of the WTO Agreement on Technical Barriers to Trade.

Article 4: General Provisions

1. Each Party shall designate a Point of Contact, and shall notify the other Parties of the name of its designated Point of Contact, along with the relevant contact details, including telephone and email. Each Party shall notify the other Parties promptly of any change of its Point of Contact, or any modifications to the relevant contact details. The Parties shall coordinate undertakings pursuant to this Agreement through the designated Points of Contact.

2. The Parties shall meet at least once per year, unless otherwise agreed, to review the implementation of this Agreement and discuss pertinent issues involving trade facilitation, sanitary and phytosanitary measures, and technical barriers to trade. Such meeting may take place at such time and in such manner as may be mutually agreed upon by the Parties, including by teleconference, videoconference, or in person.

3. The commitments to provide technical assistance and support for capacity building as described in this Agreement shall be subject to the availability of resources and appropriated funds in accordance with the Parties' respective legal procedures.

4. This Agreement shall be without prejudice to the rights and obligations of the United States and the EAC Partner States under any other agreement, including the 2008 TIFA and the WTO Trade Facilitation Agreement. Cooperation under the Agreement shall be in accordance with the laws of the United States and the EAC Partner States.

5. This Agreement shall enter into force on the date of signature by the Parties.

6. This Agreement may be amended by written agreement of the Parties.

7. A Party may withdraw from this Agreement by providing written notice of its withdrawal to the other Parties. The withdrawal shall take effect on a date agreed to by the Parties or, if the Parties cannot agree on a date, 180 days after the notice of the withdrawal is delivered. Upon such withdrawal, the Agreement shall remain in effect for the other Parties.

IN WITNESS WHEREOF, the undersigned, being duly authorized, have signed this Agreement.

DONE at Washington, DC, this 26th day of February 2015.

FOR THE REPUBLIC OF BURUNDI:

FOR THE REPUBLIC OF KENYA:

FOR THE REPUBLIC OF RWANDA:

FOR THE UNITED REPUBLIC OF TANZANIA:

FOR THE REPUBLIC OF UGANDA:

FOR THE UNITED STATES OF AMERICA: